

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN**

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

WA.No. 1663 of 2007

(AGAINST THE JUDGEMENT IN OP.16391/1998 Dated 28/09/2006)

APPELLANT/PETITIONER

R.SURESH, RESIDING AT RAMESH BHAVAN,
KAKKATHODE, PARA, ELAPULLY P.O., PALAKKAD.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SRI.JIBU P THOMAS
SRI.SUNIL J.CHAKKALACKAL

RESPONDENTS/RESPONDENTS

1. THE DISTRICT COLLECTOR, PALAKKAD.
2. THE TAHSILDAR
(REVENUE RECOVERY), PALAKKAD.

BY SENIOR GOVERNMENT PLEADER SMT. R. MEERA.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 16/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

Dated this the 16th July, 2007

J U D G M E N T

H.L. Dattu, C.J.:

Appellant's father was arrested and detained in a civil prison for the default in payment of Toddy Workers Welfare Fund contribution, in respect of three toddy shops run by the defaulter (father of the appellant) on behalf of the contract. Ext.P3 order of arrest and detention was for a period of six months and by Ext.P5 order, it was suo motu extended by another six months.

2. The appellant/petitioner being aggrieved by Exts. P3 and P5 orders, was before this court in O.P. 16391 of 1998. While admitting the above Original Petition, the learned single Judge had directed the release of the appellant's father on payment of 1/3rd of the dues, payable by him.

3. The learned single Judge, while disposing of the Original Petition, had found that the defaulter had assets and that the contractor for whom he was doing business was also willing to help the defaulter and accordingly, the learned single Judge had upheld Ext.P3 order of arrest and detention and orders passed by the respondents-authority. The learned single Judge, thereafter, considering the delay in disposing of the Original Petition, had directed the appellant/petitioner to pay the balance of arrear amount with 1/3rd interest, by furnishing a post dated cheque to the respondents. Further, the learned single Judge had waived 2/3rd of the interest. The learned single Judge had further directed the appellant/petitioner to make the payment, as directed above, on or before 31.03.2007, failing which, the learned single Judge had observed that, the defaulter should be re-arrested and detained in the civil prison. Aggrieved by the said order, the appellant/petitioner is before us in this appeal.

4. The admitted facts are: The appellant's father was a defaulter in

payment of Toddy Workers Welfare Fund contribution in respect of three toddy shops run by him. Since in spite of the demands made by the respondents, the arrears of amount payable by him in respect of three toddy shops, had not been paid, there was an order for arresting and detaining the appellant's father in a civil prison. Initially, that was for a period of six months and thereafter, it was extended by another six months.

5. Taking into consideration the fervent plea made by the appellant/petitioner on behalf of his father, this court had waived 2/3rd of the interest on the actual amount payable and also had directed the appellant/petitioner to pay the arrears on or before 31.03.2007.

6. One of the methods to recover dues under the provisions of Kerala Toddy Workers Fund is to detain the defaulter in civil prison. This is what that has been done in the present case by passing appropriate orders.

7. Having gone through the demand notices issued by the respondents and having gone through the orders passed by the learned single Judge, we are of the opinion that we cannot take exception to the orders so passed by the learned single. Therefore, the Writ Appeal requires to be rejected and it is rejected.

8. I.A.No. 574 of 2007 is also disposed of.

Ordered accordingly.

**H.L. DATTU,
CHIEF JUSTICE.**

**K.T. SANKARAN,
JUDGE.**

lk/dk.

W.A. No. 1663 OF 2007